

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Civil Action No. 6:12-CV-499 MHS
	§	
TEXAS INSTRUMENTS, INC.,	§	(LEAD CASE)
	§	
<i>Defendant.</i>	§	JURY TRIAL DEMANDED
	§	
BLUE SPIKE, LLC,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Civil Action No. 6:12-CV-582
	§	
ACTV8, INC.,	§	(CONSOLIDATED WITH 6:12-CV-499)
	§	
<i>Defendant.</i>	§	JURY TRIAL DEMANDED
	§	

**DECLARATION OF MYRA MORMILE IN SUPPORT OF DEFENDANT
ACTV8, INC.’S MOTION TO TRANSFER VENUE PURSUANT TO 28 U.S.C. § 1404(a)**

I, Myra Mormile, do hereby declare and state as follows:

1. I am an attorney licensed to practice law in the State of Chicago. I am an associate with the law firm of Kelley Drye & Warren LLP and am counsel for Defendant ACTV8, Inc. (“ACTV8”), in the above-captioned matter. I have personal knowledge of the foregoing, and, if called upon to testify in this matter, I could and would testify competently to the matters stated herein.

2. I contacted Plaintiff’s counsel, Mr. Christopher Honea, by telephone on February 5, 2014. I requested Plaintiff’s consent to transfer the action to the Central District of California. Plaintiff’s counsel did not consent to the transfer.

3. Attached as Exhibit 1 is a true and correct copy of Plaintiff Blue Spike, Inc.'s Articles of Organization filed on May 14, 2012.

4. Attached as Exhibit 2 is a true and correct copy of a printout from the Texas Secretary of State's website with information current as of February 4, 2014.

5. Attached as Exhibit 3 is a true and correct copy of Plaintiff Blue Spike, Inc.'s Contact page listing their office locations.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 5th day of February, 2014, in Chicago, Illinois.

/s/ Myra Mormile

Myra Mormile